

### REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed June 23, 2006. At the time of the Final Office Action, Claims 2-17 were pending in this Application. Claims 10-17 were previously withdrawn due to an election/restriction requirement. Claim 1 was previously cancelled without prejudice or disclaimer. Claims 2-9 were rejected. Applicants respectfully request reconsideration and favorable action in this case.

#### **Rejections under 35 U.S.C. §103**

Claims 2-5 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Patent JP 57-149085 filed by Oki ("Oki") in view of German Patent DE 19901530 filed by Biotronik ("Biotronik"). Applicants respectfully traverse and submit the cited art combination, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 6-7 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Oki and Biotronik in view of PCT Publication Number WO 00/08353 filed by Frank et al. ("Frank"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

According to the present independent claim 2, during beam/jet cutting a filler is inserted in the hollow body. Thus, the hollow body is filled with material to provide for a defined shaping of the beam/jet outlet edge. The prior art cited neither discloses or suggests such a measurement.

The Examiner states that a person skilled in the art of manufacturing tubular springs would consider the BIOTRONIK reference when considering the use of laser cutting for a tubular spring. Applicants respectfully disagrees. BIOTRONIK concerns a method of structuring a bio-absorbable material such as surgical stents used in medical technologies. Thus, a person skilled in the art of manufacturing tubular springs would not consider such a reference.

Moreover, BIOTRONIK does not propose to use a filler within the stent. A filler, per definition, fills the entire interiors space of an object. On the contrary, BIOTRONIK proposes to insert a tube within the stent that allows to run a cooling agent through the tube. Due to the material used for manufacturing a stent, cooling is necessary to prevent damage of the object. In addition BIOTRONIK proposes to provide the inserted tube 5 with additional openings 17 to provide for direct cooling of the stent. Therefore, BIOTRONIK uses the inserted cooling system for a completely different purpose than the filler according to the present invention and does not provide for a filling of a tubular object. This underlines that a person skilled in the art of tubular springs would not consider BIOTRONIK because there is no related problem in manufacturing a tubular spring because tubular springs are consist of metal.

Hence, a person skilled in the art would not combine Oki and BIOTRONIK. In addition, even if combined, such a combination would not lead to the subject matter of the present independent claim. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

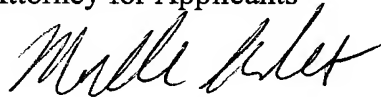
**CONCLUSION**

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Andreas Grubert at 512.322.2545.

Respectfully submitted,  
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